

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HOWARD J. MITCHELL, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
vs.                   ) Civil Action No. 11-634  
                        ) Judge Nora Barry Fischer/  
THOMAS DUFFOLA, in official and           ) Magistrate Judge Maureen P. Kelly  
individual capacity, THE CITY OF           )  
PITTSBURGH POLICE DEPARTMENT,           )  
DOE I (Inclusive),                        )  
                        )  
                        )  
Defendants.           )

O R D E R

AND NOW, this 20th day of October, 2011, after the Plaintiff, Howard J. Mitchell, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until October 24, 2011, to file written objections thereto, and Plaintiff's copy of the Report and recommendation having been returned by Allegheny County Jail indicating that he is no longer there, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Complaint [3] is DISMISSED for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

*Nora Barry Fischer*  
NORA BARRY FISCHER  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Howard J. Mitchell  
125788  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219

All Counsel of Record by electronic filing